

REMARKS

Applicant acknowledges the Examiner's indication of the allowance of claims 1-18, 89-93 and 95, and the allowability of claims 20-23, 32, 47, 67 and 82. Applicant has cancelled claims 20, 72, and 100-101 and amended claims 19, 21, 22, 71, 73-74, and 77. Applicant reserves the right to further pursue these claims as originally filed in a continuing application. We note that the Examiner's action does not address claims 25-30.

The Examiner has rejected claims 36-46, 48-66, 68-81, 82-88, 94 and 96-101 under 35 U.S.C. § 102(f) as anticipated by U.S. Patent No. 5,100,417, from which the current application claims priority. Applicant notes that the Examiner has indicated that claim 82 is both allowable and rejected. Applicant requests reconsideration and withdrawal of these rejections for the following reasons.

The inventive entity in a continuation-in-part application is not required to be the same as the inventive entity in the parent application to claim subject matter in the continuation-in-part application that is supported by the disclosure of the parent. Only the inventors of *claimed* subject matter are listed in a patent. Thus, a difference between the subject matter claimed in a continuation-in-part application and the subject matter claimed in the parent patent often necessitates the addition or deletion of inventors in the continuation-in-part application. Simply, a parent patent does not support a rejection under § 102(f) for a continuation-in-part application of the parent patent merely because a difference in the subject matter claimed necessitates a different inventive entity for the continuation-in-part application. As such, applicant respectfully requests that these rejections be withdrawn.

The Examiner has rejected claims 19, 24, 31, 33-35, 71, 76, 85, and 100-101 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 5,037,422 to Hayhurst et al. Applicant respectfully requests reconsideration and withdrawal of these rejections for the following reasons.

Claims 19, 71 and 100 are in independent form. Claim 100 has been cancelled. Applicant has amended claims 19 and 71 to include the limitations of claims 20 and 72, respectively. Therefore claims 19, 24, 31, 33-35, 71, 76, 85 are in condition for allowance.

Applicant : DiPoto et al.
Serial No. : 09/447,228
Filed : November 22, 1999
Page : 6

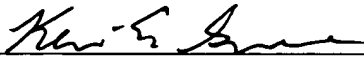
Attorney's Docket No.: 00167-368001 / 02-31-0314

Newly added independent claims 102, 108, 109, and 110 correspond to claims 25, 32, 84 and 86, respectively, written in independent form. Applicant submits that these claims, and any claims depending therefrom, are allowable.

Applicant asks that all claims be allowed. Enclosed is a check for the Petition for Extension of Time fee and excess claims fee. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 2/27/03



Kevin E. Greene
Reg. No. 46,031

Fish & Richardson P.C.
1425 K Street, N.W.
11th Floor
Washington, DC 20005-3500
Telephone: (202) 783-5070
Facsimile: (202) 783-2331

Version with markings to show changes made

In the claims:

Please cancel claims 20, 72, and 100-101 without prejudice or disclaimer.

Claims 19, 21, 22, 71, 73, 74, and 77 have been amended as follows:

19. (Amended) An anchor for insertion into a bone hole to secure a suture to bone, comprising:

a rigid body defining a generally transverse, circumferentially bounded opening extending through said body for receiving the suture,

said body having a non-helicly extending exterior enlargement for engaging the bone upon insertion to resist withdrawal of said anchor from the bone, wherein said enlargement comprises a circumferential ridge.

21. (Amended) The anchor of claim [20]19 wherein said circumferential ridge includes a distal, chamfered surface.

22. (Amended) The anchor of claim [20]19 wherein said circumferential ridge includes a proximal surface orientated transversely to a longitudinal axis of the body.

71. (Amended) An anchor for insertion into a bone hole to secure a suture to bone, comprising:

a rigid body defining a generally transverse opening extending through said body for receiving the suture,

said body having an exterior enlargement configured to enable the anchor to be non-rotationally advanced into a bone hole and to engage the bone upon insertion to resist withdrawal of said anchor from the bone, wherein said enlargement comprises a non-helical circumferential ridge.

73. (Amended) The anchor of claim [72]71 wherein said circumferential ridge [including]includes a distal, chamfered surface.

74. (Amended) The anchor of claim [72]71 wherein said circumferential ridge includes a proximal surface orientated transversely to a longitudinal axis of the body.

77. (Amended) [The anchor of claim 76] An anchor for insertion into a bone hole to secure a suture to bone, comprising:

a rigid body defining a generally transverse opening extending through said body for receiving the suture,

said body having a plurality of non-helically arranged, exterior enlargements configured to enable the anchor to be non-rotationally advanced into a bone hole and to engage the bone upon insertion to resist withdrawal of said anchor from the bone, wherein each of said plurality of exterior enlargements comprises a circumferential ridge.

New claims 102-110 have been added.